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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

16 JOSUE SOTO, Individually, On Behalf of All ) CIVIL NO. 08cv0033 L (AJB)  
17 Others Similarly Situated, and on Behalf of the )  
18 General Public, )  
19 Plaintiff, )  
20 v. )  
21 DIAKON LOGISTICS (DELAWARE), INC., a )  
22 foreign corp.; and DOES 1 through 50, )  
23 inclusive, )  
24 Defendants. )  
25 \_\_\_\_\_  
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1           WHEREAS:

- 2           1. This action was filed in San Diego Superior Court, case number: 37-2007-  
 3 00083029-CU-OE-CTL on December 5, 2007;
- 4           2. Defendant removed the action to Federal Court on January 4, 2008;
- 5           3. Defendant filed an Answer and Counterclaim for Indemnity against Plaintiff SOTO  
 6 on January 11, 2008;
- 7           4. Plaintiff SOTO'S response to the counterclaim was due to be filed by January 31,  
 8 2008;
- 9           5. On January 28, 2008, Defendant filed a Third-Party Complaint against SAYBE'S  
 10 LLC, which contains a single cause of action for indemnity similar to that alleged in the counter-  
 11 claim against Plaintiff SOTO;

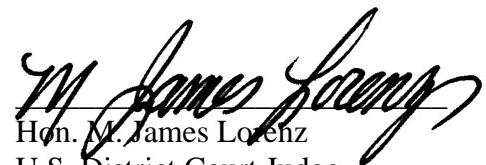
12           6. The present matter has been scheduled for an Early Neutral Evaluation Conference  
 13 on February 26, 2008;

14           7. The parties to the action have stipulated that good cause exists for continuing the  
 15 deadline for Plaintiff SOTO'S response to the counterclaim to the same date as the response to the  
 16 Third-Party Complaint as both pleadings contain the identical cause of action for indemnification  
 17 and it would be more economical to handle identical challenges to both pleadings simultaneously.

18           **ACCORDINGLY, AND FOR GOOD CAUSE APPEARING, IT IS HEREBY**  
 19 **ORDERED THAT** Plaintiff shall be permitted an extension of time to respond to Defendant's  
 20 counterclaim up to and including 20 days from the date of service of the Third-Party Complaint  
 21 against SAYBE'S LLC.

22 **IT IS SO ORDERED**

23 DATED: February 1, 2008



Hon. M. James Lorenz  
 U.S. District Court Judge  
 United States District Court